

### **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed January 25, 2007. Claims 1-2, 4-5, 9-11, 13-14, 16-18, and 21-22 are amended. Claims 1-24 remain pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. The remarks or lack of remarks herein are not to be construed as an admission or concession regarding the teachings of the cited art or of the Examiner's construction of those teachings. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **Specification**

The Examiner objected to the disclosure because of informalities in ¶¶[0004] and [0010]. The specification has been amended as suggested by the Examiner in the Amendments to the Specification section of this response.

### **Rejection Under 35 U.S.C. §102(b)**

The Office Action rejected claims 1-3, 6-9, 12-13, 15-17, 20-21 and 23-24 under 35 U.S.C. § 102(b) as being anticipated by *Le* (WO 99/12268). The Examiner rejects claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by *Lauder* (U.S. Publication No. 2002/0105692). Because the cited art fails to teach or suggest each and every limitation of the pending claims, Applicants respectfully traverse in view of the following remarks and the amendments made herein.

As noted in the specification, existing CWDM infrastructures are expensive to replace and embodiments of the invention can scale the capability of the existing infrastructure such that increased data transmission rates can be achieved. Generally, this is achieved by causing existing CWDM channels to be occupied with more dense signals. This enables the transmission

rates or bandwidth of the existing infrastructure to be increased while still utilizing less expensive CWDM components.

Further, embodiments of the invention enable the existing infrastructure to be scaled, based in part on use of the infrastructure or network, using pluggable transceivers. For instance, the channel density of the existing CWDM infrastructure can be scaled, by way of example only and not limitation, to 64 channels, 128 channels, or 256 channels using, respectively, 100 GHz transceivers, 50 GHz transceivers, and 25 GHz transceivers. One of skill in the art can appreciate that pluggable transceivers enables the channel density to vary by using combinations of transceivers or by superimposing more dense signals on at least some of the CWDM channels.

Claim 1 has been amended to require selecting a plurality of pluggable transceivers to scale a channel density of a CWDM infrastructure according to use of a network. Advantageously, using pluggable transceivers enables the bandwidth to scale according to network use. For example, the channel density of a CWDM network could expand to 64 channels or to 128 channels or to 256 channels according to network use. The selection of pluggable transceivers can be based in part on the use of the network. As recited in claim 14, for example, the bandwidth of the pluggable transceiver can impact the channel density and can be selected based in part on use of the network.

In contrast, the cited art does not appear to teach or suggest selecting pluggable transceivers to scale the channel density of the CWDM infrastructure according to use of a network. *Le*, for example, teaches using subwindows such that optical signals in each subwindow are optically amplified separately and in parallel by a plurality of optical line amplifiers. *Le* further suggests that fine WDM units can be “added in a modular fashion, as needed, to support actual or anticipated traffic” (*see abstract*). Thus, *Le* appears to suggest that actual traffic or anticipated traffic is handled by adding fine WDM units.

In contrast, claim 1 requires selecting pluggable transceivers to scale a channel density of a CWDM infrastructure according to use of a network. In claim 1, the channel density is scalable by selecting pluggable transceivers that accommodate the use of the network. Adding fine WDM units as taught by *Le* fails to teach or suggest selecting pluggable transceivers to scale a channel density of a CWDM infrastructure according to use of a network.

For at least these reasons, Applicant respectfully submits that claim 1 is not anticipated by *Le*. Claims 9 and 17 are not anticipated for at least the same reasons. The dependent claims rejected as anticipated by *Le* are also in condition for allowance.

*Lauder* similarly does not appear to teach or suggest using pluggable transceivers to scale a channel density according to use of a network or to use of existing infrastructure. As previously discussed, claim 1 requires the pluggable transceivers to have a bandwidth that is selected, in part, on the use of the network. By way of example, the channel density can thus scale to 64 or 128 or 256 by selecting the appropriate pluggable transceivers.

In contrast, *Lauder* teaches an optical ring network with high scalability provided by the ability to scale to a larger number of wavelengths . . . by activating additional wavelengths.” See ¶[0013]. However, activating additional wavelengths does not appear to teach or suggest that the bandwidth of each channel associated with each pluggable transceiver is selected based in part on the use of the network or of the infrastructure. Activating additional wavelengths appears to suggest that the bandwidth is fixed, while claim 1 enables the bandwidth to be selected when selecting the pluggable transceiver.

For at least the reasons discussed herein and in view of the present amendments, Applicant respectfully submits that *Lauder* fails to anticipate the claims 1-24.

**Conclusion**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25<sup>th</sup> day of June, 2007.

Respectfully submitted,

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